

MICHAEL A. JACOBS (CA SBN 111664)  
MJacobs@mofo.com  
ARTURO J. GONZÁLEZ (CA SBN 121490)  
AGonzalez@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

KAREN L. DUNN (*Pro Hac Vice*)  
kdunn@bsfllp.com  
HAMISH P.M. HUME (*Pro Hac Vice*)  
hhume@bsfllp.com  
BOIES SCHILLER FLEXNER LLP  
1401 New York Avenue, N.W.  
Washington DC 20005  
Telephone: 202.237.2727  
Facsimile: 202.237.6131

WILLIAM CARMODY (*Pro Hac Vice*)  
bcarmody@susmangodfrey.com  
SHAWN RABIN (*Pro Hac Vice*)  
srabin@SusmanGodfrey.com  
SUSMAN GODFREY LLP  
1301 Avenue of the Americas, 32nd Floor  
New York, NY 10019-6023  
Telephone: 212.336.8330  
Facsimile: 212.336.8340

Attorneys for Defendants  
UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
  
Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL THEIR  
OPPOSITION TO WAYMO'S  
MOTION FOR CONTINUANCE OF  
TRIAL DATE**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal portions of their Opposition to Waymo’s Motion for Continuance of Trial Date. Specifically, Defendants request an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Designating Party
Opposition to Waymo’s Motion for Continuance of Trial Date (“Opposition”)	Highlighted Portions	Defendants (Blue) Plaintiff (Green) Anthony Levandowski (Yellow)
Declaration of Arturo J. Gonzalez	Highlighted Portions	Anthony Levandowski (Yellow)
Exhibit 1	Highlighted Portions	Defendants (Blue)
Exhibit 2	Entirety	Defendants Anthony Levandowski
Exhibits 3-7	Entireties	Anthony Levandowski
Exhibits 10-14, 16	Entireties	Plaintiff
Exhibit 15	Highlighted Portions	Plaintiff (Green)

The blue-highlighted portions of the Opposition contain highly confidential information regarding technical details of and development plans for Uber’s LiDAR systems. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into the technical components and development plans of Uber’s LiDAR sensors, such that Uber’s competitive standing could be significantly harmed. (Declaration of Michelle Yang in Support of Defendants’ Administrative Motion to File Documents Under Seal (“Yang Decl.”) ¶ 3.)

The blue-highlighted portions of Exhibit 1 contain the same sealable portions the Court granted at Dkt. 653, which Defendants had filed at Dkt. 600-2, and contain the financial and

1 timing terms for the Indemnification Agreement. This is highly confidential business information  
2 relating to the terms of Uber's agreements that is not publicly known, and this information's  
3 confidentiality is strictly maintained. This information could be used by competitors to Uber's  
4 detriment, including in the context of negotiating business deals. If this information were  
5 disclosed, for example, competitors could obtain a competitive advantage by offering better terms  
6 than Uber, such that Uber's competitive standing would be harmed. Some of the other marked  
7 portions contain personal addresses, telephone numbers, and email addresses of Anthony  
8 Levandowski and Lior Ron. This case has been the subject of much public and media interest,  
9 and disclosure of this personal information could harm the privacy interests of these individuals  
10 and their families. For example, if these personal addresses and contact information were  
11 disclosed publicly, Messrs. Levandowski and Ron and their families could be exposed to harm or  
12 harassment. (Yang Decl. ¶ 4.)

13 The entirety of Exhibit 2 contains highly confidential information regarding a business  
14 agreement of Uber's, including detailed terms and conditions. This information is not publicly  
15 known, and its confidentiality is strictly maintained. I understand that this information could be  
16 used by competitors to Uber's detriment, including in the context of negotiating business deals. If  
17 this information were disclosed, competitors could gain insight into how Uber structures its  
18 business agreements, such that Uber's competitive standing would be harmed. (Yang Decl. ¶ 5.)

19 The yellow-highlighted portions of the Opposition and Declaration of Arturo J. Gonzalez,  
20 as well as the entireties of Exhibits 2-7, contain information designated confidential by counsel  
21 for non-party Anthony Levandowski. (Yang Decl. ¶ 6.) Defendants expect this non-party to file  
22 supporting declarations as needed.

23 The green-highlighted portions of the Opposition and Exhibit 15, as well as the entireties  
24 of Exhibits 10-14 and 16-17, contain information that has been designated "Highly Confidential –  
25 Attorneys' Eyes Only" by Waymo in accordance with the Patent Local Rule 2-2 Interim Model  
26 Protective Order ("Protective Order"), which the parties have agreed governs this case (Transcript  
27 of 3/16/2017 Hearing, page 6). Defendants file this material under seal in accordance with  
28 Paragraph 14.4 of the Protective Order. (Yang Decl. ¶ 7.)

1 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the  
2 documents at issue, with accompanying chamber copies.

3 Defendants served Waymo with this Administrative Motion to File Documents Under  
4 Seal on September 18, 2017.

5 For the foregoing reasons, Defendants request that the Court enter the accompanying  
6 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and  
7 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –  
8 ATTORNEYS' EYES ONLY."

9 Dated: September 18, 2017

MORRISON & FOERSTER LLP

10  
11 By: /s/ Arturo J. Gonzalez

ARTURO J. GONZALEZ

12 Attorneys for Defendants  
13 UBER TECHNOLOGIES, INC. and  
14 OTTOMOTTO LLC  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28